IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2003 OF 2004

Shri Ramesh D.Tibile ..Petitioner

Versus

The State of Maharashtra & Ors. ..Respondents

Mr.S.S.Pakale for the petitioner.

Mr.R.D.Rane, AGP for Respondent Nos.1 & 5.

Mr.D.A.Nalavade for Respondent Nos.4 & 4.

Mr.R.G.Ketkar for Respondent No.2.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 7.4.2005.

PC

. Heard Mr.S.S.Pakale, learned Counsel for the petitioner and perused the Writ petition and the documents annexed there-to.

2. It is not in dispute that the appointment of the petitioner as Lecturer in English in respondent no.3-College in the year 1989 was against the reserved post. It is also not in dispute that the petitioner belongs to general category. Since the petitioner as a general category candidate was holding the post reserved for SC/NT category, by an order dated 9.11.1995 the petitioner’s services came

to be terminated w.e.f. 15.11.1995. As per the Government Resolution dated 21.1.1990, for want of availability of the reserved category candidate w.e.f. 27.3.1996 the said post of Lecturer in English was de-reserved.

3. The contention of the learned Counsel for the petitioner that the post of Lecturer in English having been de-reserved, such dereservation relates back to the date the post was reserved i.e. to the year 1989. We are afraid the contention of the learned Counsel for the petitioner cannot be accepted. The de-reservation of the post of Lecturer in English was done as per Government Resolution dated 21.1.1990 since continuously for 6 years no SC/NT category candidate was found available for the said post. The dereservation of the post shall only be effective on expiry of six years.

3. The Writ petition accordingly, has no merits and is dismissed in limine.

(R.M.LODHA,J)

(R.S.MOHITE,J)